

Mark Frankel  
Backenroth Frankel & Krinsky, LLP  
800 Third Avenue, Floor 11  
New York, New York 10022  
(212) 593-1100

*Proposed Counsel to the Debtors and Debtors in Possession*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re

Chapter 11

203 W 107 Street LLC,

Case No. 20-12960 (SCC)

Debtor.

-----X

In re

Chapter 11

210 W 107 Street LLC,

Case No. 20-12961 (SCC)

Debtor.

-----X

In re

Chapter 11

220 W 107 Street LLC,

Case No. 20-12963 (SCC)

Debtor

-----X

In re

Chapter 11

230 W 107 Street LLC,

Case No. 20-12964 (SCC)

Debtor.

-----X

In re

Chapter 11

124-136 East 117 LLC,

Case No. 20-12965 (SCC)

Debtor.

-----X

-----X

In re

Chapter 11

215 East 117 LLC,

Case No. 20-12967 (SCC)

Debtor

-----X

In re

Chapter 11

231 East 117 LLC,

Case No. 20-12968 (SCC)

Debtor.

-----X

In re

Chapter 11

235 East 117 LLC,

Case No. 20-12969 (SCC)

Debtor.

-----X

In re

Chapter 11

244 East 117 Realty LLC,

Case No. 20-12970 (SCC)

Debtor

-----X

In re

Chapter 11

1661 PA Realty LLC,

Case No. 20-20-12972 (SCC)

Debtor

-----X

In re

Chapter 11

East 117 Realty LLC,

Case No. 20-12973 (SCC)

Debtor.

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**DEBTORS' MOTION FOR ENTRY  
OF AN ORDER (A) DIRECTING JOINT ADMINISTRATION  
OF CHAPTER 11 CASES AND (B) GRANTING RELATED RELIEF**

The above captioned debtors and debtors in possession (collectively, the "Debtors")  
respectfully state as follows in support of this motion (the "Motion"):

**Relief Requested**

1. By this Motion, the Debtors seek entry of an order, substantially in the form attached to the Motion, (a) directing procedural consolidation and joint administration of these chapter 11 cases, and (b) granting related relief. Specifically, the Debtors request that the United States Bankruptcy Court for the Southern District of New York (the “Court”) maintain one file and one docket for all of the jointly administered cases under the case of 203 W 107 Street LLC and that the cases be administered under a consolidated caption as follows:

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re

Chapter 11

203 W 107 Street LLC, *et al*,<sup>1</sup>

Case No. 20-12960 (SCC)

Jointly Administered

Debtor.

-----X

1. The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: 203 W 107 Street LLC (8429); 210 W 107 Street LLC (3364), 220 W 107 Street LLC (0461), 230 W 107 Street LLC (3686), 124-136 East 117 LLC (6631), 215 East 117 LLC (6961), 231 East 117 LLC (0105), 235 East 117 LLC (8762), 244 East 117 LLC (1142), East 117 Realty LLC (1721) and 1661 PA Realty LLC (5280).

2. The Debtors further request that the Court order that the foregoing caption satisfies the requirements set forth in section 342(c)(1) of title 11 of the United States Code (the “Bankruptcy Code”).

3. The Debtors also request that a docket entry, substantially similar to the following, be entered on the docket of each of the Debtors’ cases other than the case of 203 W. 107 Street LLC:

An order has been entered in accordance with rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing the joint administration of the chapter 11 cases of: 203 W. 107 Street LLC; 210 W. 107 Street LLC; 220 W. 107 Street LLC; 230 W. 107 Street LLC; 124-136 East 117 LLC; 215 East 117 LLC; 231 East LLC; 235 East LLC; 244 East 117 LLC; and 1661 PA Realty LLC. All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 20-12960 (SCC).

4. The Debtors also seek authority to file their monthly operating reports required by the Operating Guidelines and Reporting Requirements for Debtors in Possession and Trustees, issued by the Office of the United States Trustee for the Southern District of New York (the “U.S. Trustee”), by consolidating the information required for each Debtor in one report that tracks and breaks out all of the specific information (e.g., receipts, disbursements, etc.) on a debtor-by-debtor basis in each monthly operating report.

#### **Jurisdiction and Venue**

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference from the United States District Court for the Southern District of New York, dated January 31, 2012 (Preska, C.J.). The Debtors confirm their consent, pursuant to rule 7008 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to the entry of a final order by the Court in connection with this motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

6. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

7. The basis for the relief requested here are section 105(a) of the Bankruptcy Code, Bankruptcy Rule 1015(b), and Rule 9013-1(a) of the Local Bankruptcy Rules for the Southern District of New York (the “Local Rules”).

**Background**

8. On December 23, 2020, each of the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code (collectively, the "Chapter 11 Cases").

9. The Debtors are operating their businesses and managing their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. As of the filing of this motion, no trustee, examiner or committee has been requested or appointed.

10. The Debtors are subject to common control. West 107 Mezz LLC ("107 Mezz") is the sole member of 203 W 107 Street LLC, 210 W 107 Street LLC, 220 W 107 Street LLC and 230 W 107 Street LLC ("107 Debtors"). EEG HGI LLC ("117 Mezz," together with 107 Mezz, the "Mezz Entities") is the sole member of 124-136 East 117 LLC, 215 East 117 LLC, 231 East 117 LLC, 235 East 117 LLC, 244 East 117 LLC, East 117 Realty LLC and 1661 PA Realty LLC (the "117 Debtors"). The Mezz Entities are each controlled by Isaac Kassirer. In addition to common control by Mr. Kassirer, LoanCore Capital Credit REIT LLC holds first mortgages on the Debtors' real property.

**Basis for Relief**

11. Bankruptcy Rule 1015 states:

(b) Cases Involving Two or More Related Debtors.

If ... two or more petitions are pending in the same court by or against ... a debtor and an affiliate, the court may order a joint administration of the estates. Prior to entering an order the court shall give consideration to protecting creditors of different estates against potential conflicts of interest. ...

12. Section 105(a) of the Bankruptcy Code provides, in pertinent part, that "the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. §105(a).

13. The Debtors are "affiliates" through common control. Accordingly, this Court is authorized to grant the requested relief. The Debtors believe that joint administration of these Chapter 11 cases would be practical, expedient, economical and less time-consuming for the Debtors, their management and professionals, the Court, the Clerk's office and all parties in interest. Joint administration will avoid the preparation, replication, service, and filing, as applicable, of duplicative notices, applications, and orders in each of the debtor cases, thereby saving the Debtors' estates considerable expense and conserving their resources.

14. Joint administration is generally non-controversial, and courts in this jurisdiction routinely order joint administration in cases with multiple, related debtors. *See, e.g., In re Cenveo, Inc.*, No. 18-22178 (RDD) (Bankr. S.D.N.Y. Mar. 8, 2018); *In re Glob. A&T Elecs. Ltd.*, No. 17-23931 (RDD) (Bankr. S.D.N.Y. Feb. 5, 2018); *In re 21st Century Oncology Holdings, Inc.*, No. 17-22770 (RDD) (Bankr. S.D.N.Y. May 26, 2017); *In re BCBG Max Azria Glob. Holdings, LLC*, No. 17-10466 (SCC) (Bankr. S.D.N.Y. Mar. 2, 2017); *In re Avaya Inc.*, No. 17-10089 (SMB) (Bankr. S.D.N.Y. Jan. 20, 2017).

15. Accordingly, joint administration and procedural consolidation will facilitate the efficient and economical administration of these cases, promote the interests and convenience of the parties and reduce costs and expedite administration. Further, supervision of the administrative aspects of these cases by the United States Trustee will be simplified.

16. The Debtors believe that no party in interest will be prejudiced by the relief requested in this motion. The rights of creditors will not be adversely affected because the relief requested is purely procedural and is not intended to affect the substantive rights of any party. In fact, the rights of all creditors will be enhanced by the reduced costs that will result from the joint administration of these Chapter 11 Cases. The Court will also be relieved of the burden of entering duplicative orders and maintaining redundant files.

17. Each creditor will still be required to file a claim against the particular debtor or estate, or Debtors or estates, allegedly responsible for such debt.

**Motion Practice**

18. This Motion includes citations to the applicable rules and statutory authorities upon which the relief requested herein is predicated and a discussion of their application to this Motion. Accordingly, the Debtors submit that this Motion satisfies Local Rule 9013-1(a).

WHEREFORE, the Debtors seek the entry of an order substantially in the form attached to the Motion directing the joint administration of their estates pursuant to section 105(a) of the Bankruptcy Code and Bankruptcy Rule 1015(b); and that the Court grant such other and further relief as is just and proper.

Dated: New York, New York  
December 28, 2020

BACKENROTH FRANKEL & KRINSKY, LLP  
Proposed Attorneys for the Debtor

By: s/Mark A. Frankel  
800 Third Avenue  
New York, New York 10022  
(212) 593-1100

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
In re	Chapter 11
203 W 107 Street LLC,	Case No. 20-12960 (SCC)
Debtor.	
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210 W 107 Street LLC,	Case No. 20-12961 (SCC)
Debtor.	
-----X	
In re	Chapter 11
220 W 107 Street LLC,	Case No. 20-12963 (SCC)
Debtor	
-----X	
In re	Chapter 11
230 W 107 Street LLC,	Case No. 20-12964 (SCC)
Debtor.	
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In re	Chapter 11
124-136 East 117 LLC,	Case No. 20-12965 (SCC)
Debtor.	
-----X	

-----X In re  215 East 117 LLC,  Debtor	Chapter 11  Case No. 20-12967 (SCC)
-----X In re  231 East 117 LLC,  Debtor.	Chapter 11  Case No. 20-12968 (SCC)
-----X In re  235 East 117 LLC,  Debtor.	Chapter 11  Case No. 20-12969 (SCC)
-----X In re  244 East 117 Realty LLC,  Debtor	Chapter 11  Case No. 20-12970 (SCC)
-----X In re  1661 PA Realty LLC,  Debtor	Chapter 11  Case No. 20-20-12972 (SCC)
-----X In re  East 117 Realty LLC,  Debtor. -----	Chapter 11  Case No. 20-12973 (SCC)

**ORDER DIRECTING JOINT ADMINISTRATION**

Upon the motion (the "Motion") of 203 W 107 Street LLC and its affiliates, as debtors and debtors in possession (collectively, the "Debtors"), seeking entry of an order (the "Order"),

administratively consolidating their respective chapter 11 cases for procedural purposes only and providing for their joint administration, and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(b) and 1334; and the Court having determined that granting the relief requested in the Motion is in the best interests of the Debtors, their estates and creditors; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue being proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that no further notice of the Motion is required under the circumstances; and any objections to the requested relief having been withdrawn or overruled; and after due deliberation and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

The Motion is granted as set forth below.

1. The above-captioned Chapter 11 Cases are consolidated for procedural purposes only and shall be jointly administered by the Court under Case No. Case No. 20-12960 (SCC).
2. Nothing contained in this Order shall be deemed or construed as directing or otherwise effecting the substantive consolidation of the Debtors' Chapter 11 Cases.

3. The caption of the jointly administered cases shall read as follows:

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re

Chapter 11

203 W 107 Street LLC, *et al*,<sup>1</sup>

Case No. 20-12960 (SCC)

Jointly Administered

Debtor.

-----X

1. The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: 203 W 107 Street LLC (8429); 210 W 107 Street LLC (3364), 220 W 107 Street LLC (0461), 230 W 107 Street LLC (3686), 124-136 East 117 LLC (6631), 215 East 117 LLC (6961), 231 East 117 LLC (0105), 235 East 117 LLC (8762), 244 East 117 LLC (1142), East 117 Realty LLC (1721) and 1661 PA Realty LLC (5280).

4. A docket entry shall be made in each of the above-captioned cases

substantially as follows:

An order has been entered in accordance with rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing the joint administration of the chapter 11 cases of: 203 W. 107 Street LLC; 210 W. 107 Street LLC; 220 W. 107 Street LLC; 230 W. 107 Street LLC; 124-136 East 117 LLC; 215 East 117 LLC; 231 East LLC; 235 East LLC; 244 East 117 LLC; and 1661 PA Realty LLC. All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 20-12960 (SCC).

5. Notwithstanding anything to the contrary contained herein, proofs of claim against each particular debtor shall bear the case name and case number of the relevant debtor and shall be filed and docketed in the individual case of the relevant debtor.

6. Monthly operating reports shall be filed on a consolidating (not consolidated) basis. These reports shall contain on a consolidating basis the information

required for each debtor that tracks and breaks out all of the specific information, e.g. receipts, disbursements, profit and loss statements, balance sheets and other required information on a debtor-by-debtor basis.

Dated: New York, New York  
December \_\_, 2020

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UNITED STATES BANKRUPTCY JUDGE